

AMENDED IN SENATE APRIL 27, 2006

AMENDED IN SENATE APRIL 19, 2006

SENATE BILL

No. 1548

Introduced by Senator Murray

February 23, 2006

An act to amend Section 23386 of the Business and Professions Code, relating to alcoholic beverages.

LEGISLATIVE COUNSEL'S DIGEST

SB 1548, as amended, Murray. Alcoholic beverages: tastings.

The Alcoholic Beverage Control Act authorizes any person holding a manufacturer's agent's, rectifier's, importer's, or wholesaler's license to give away samples of the alcoholic beverages that are authorized to be sold under that license. Existing law provides that a retail license does not authorize the furnishing or giving away of any free samples of alcoholic beverages.

The Alcoholic Beverage Control Act permits an on-sale retail licensee of wine or distilled spirits to instruct retail consumers regarding wine or distilled spirits. Under existing law this instruction may include the furnishing of up to 3 tastings of wine or distilled spirits, in limited quantities, to any individual in one day.

~~This bill would additionally permit distilled spirits manufacturers, distilled spirits wholesalers, on-sale retail licensees authorized to sell beer, beer manufacturers, and beer wholesalers to instruct retail consumers regarding distilled spirits and beer, respectively. This bill would allow the instruction to include the furnishing of tastings. This bill would increase the amount of tasting permitted in one day for distilled spirits from $\frac{3}{4}$ ounce to $1\frac{1}{2}$ ounces, and would permit tastings of beer of up to 12 ounces in one day. This bill would provide~~

that all tastings of distilled spirits and beer shall be furnished under specified conditions.

This bill would express the intent of the Legislature to enact legislation to authorize and regulate the instruction of consumers regarding beer that includes the tasting of beer.

Vote: majority. Appropriation: no. Fiscal committee: ~~yes~~ no.

State-mandated local program: no.

The people of the State of California do enact as follows:

1 ~~SECTION 1. It is the intent of the Legislature to enact~~
2 ~~legislation to authorize and regulate the instruction of consumers~~
3 ~~regarding beer that includes the tasting of beer.~~

4 ~~SECTION 1. Section 23386 of the Business and Professions~~
5 ~~Code is amended to read:~~

6 ~~23386. (a) Any manufacturer's, wine grower's,~~
7 ~~manufacturer's agent's, rectifier's, importer's, or wholesaler's~~
8 ~~license also authorizes the giving away of samples of the~~
9 ~~alcoholic beverages that are authorized to be sold by the license~~
10 ~~under the rules that may be prescribed by the department. A retail~~
11 ~~license does not authorize the furnishing or giving away of any~~
12 ~~free samples of alcoholic beverages.~~

13 ~~(b) Notwithstanding subdivision (a) of this section and Section~~
14 ~~25600, the following licensees may instruct consumers regarding~~
15 ~~wine, distilled spirits, and beer.~~

16 ~~(1) An on-sale retail licensee authorized to sell wine may~~
17 ~~instruct consumers at the on-sale retail licensed premises~~
18 ~~regarding wine sold by the retail licensee.~~

19 ~~(2) An on-sale retail licensee authorized to sell distilled spirits,~~
20 ~~a distilled spirits wholesaler, or a distilled spirits manufacturer~~
21 ~~may instruct consumers at the on-sale retail licensed premises~~
22 ~~regarding distilled spirits.~~

23 ~~(3) An on-sale retail licensee authorized to sell beer, a beer~~
24 ~~manufacturer, or a beer wholesaler may instruct consumers at the~~
25 ~~on-sale retail licensed premises regarding beer.~~

26 ~~(c) (1) The instruction may include, without limitation, the~~
27 ~~history, nature, values, and characteristics of the product, and the~~
28 ~~methods of presenting and serving the product.~~

29 ~~(2) The instruction of consumers regarding wine may include~~
30 ~~the furnishing of not more than three tastings of wine to any~~

1 individual of legal drinking age in one day. A single tasting of
2 wine may not exceed one ounce.

3 ~~(3) The instruction of consumers regarding distilled spirits~~
4 ~~may include the furnishing of tastings of distilled spirits to any~~
5 ~~individual of legal drinking age. Tastings of distilled spirits shall~~
6 ~~not exceed one and one-half ounces of distilled spirits per person~~
7 ~~per day.~~

8 ~~(4) The instruction of consumers regarding beer may include~~
9 ~~the furnishing of tastings of beer to any individual of legal~~
10 ~~drinking age. Tastings of beer shall not exceed 12 ounces of beer~~
11 ~~per person per day.~~

12 ~~(5) All tastings of distilled spirits or beer pursuant to~~
13 ~~paragraphs (3) and (4) of this subdivision shall be in the course~~
14 ~~of instruction or interaction with the consumer and shall be~~
15 ~~delivered to the consumer by an employee of the on-sale retail~~
16 ~~licensee.~~

17 ~~(d) Nothing in subdivisions (b) and (c) shall limit the giving~~
18 ~~away of samples pursuant to subdivision (a).~~